

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA )  
                              )  
v.                          )        NO. 2:07-CR-10  
                              )  
KENNETH FRAZIER         )

**O R D E R**

This criminal matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated April 5, 2007. In that Report and Recommendation, the Magistrate Judge recommends that the defendant's motion to dismiss Count 1 of the indictment be denied. The defendant has filed an objection to this recommendation. [Doc. 102].

After careful consideration of the record as a whole, including the transcript of the hearing on April 4, 2007 which contains only oral argument, and after careful consideration of the Report and Recommendation of the United States Magistrate Judge, and for the reasons set out in that Report and Recommendation which are incorporated by reference herein, it is hereby **ORDERED** that the

defendant's objection is **OVERRULED**, that this Report and Recommendation is **ADOPTED** and **APPROVED**, [Doc. 100], and that the defendant's motion to dismiss is **DENIED**. [Doc. 54].

E N T E R:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE